

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6099

ETHARD SHERWAND WILLIAMS,

Plaintiff - Appellant,

versus

DAVID HARMON, Superintendent; WALTER REED
MEDICAL CENTER, Director; JOHN DOE, Jail
Physician,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Henry Coke Morgan, Jr., District
Judge. (CA-03-877-02)

Submitted: March 25, 2004

Decided: April 1, 2004

Before TRAXLER, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ethard Sherwand Williams, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Ethard Sherwand Williams appeals the district court's order dismissing his 42 U.S.C. § 1983 (2000) complaint without prejudice for failure to exhaust administrative remedies. The district court properly required exhaustion of administrative remedies under 42 U.S.C. § 1997e(a) (2000). Because Williams did not demonstrate to the district court that he had exhausted administrative remedies or that such remedies were not available, the court's dismissal of the action, without prejudice, was not an abuse of discretion. Because the dismissal was without prejudice, Williams may, of course, refile his action in the district court if he can demonstrate exhaustion of all available administrative remedies. Accordingly, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED